

1. it is Guam's goal to eliminate the discharge of pollutants into Guam's waters; and

2. it is Guam's goal that effective water quality guidelines are established and enforced which provide for the protection and propagation of fish, shellfish and other aquatic and marine life, and provide for safe public recreation in and on Guam's waters.

Therefore, pursuant to the authority contained in the Guam Water Pollution Control Act (Sections 47104 and 47108 of Chapter 47, Title 10 of the Guam Code Annotated), which authorized the formulation of standards of water purity and classification of waters according to their most beneficial uses, the Guam Environmental Protection Agency hereby adopts the following standards of water quality for Guam.

B. Anti-Degradation Policy.

1. Existing in-stream water uses, and the level of water quality necessary to protect these uses, shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing designated uses is allowable.

2. Water quality for those waters not attaining their uses due to impacts from pollution shall be improved so uses are attained. Where the natural conditions are of lower quality than criteria assigned, the natural conditions shall constitute the water quality criteria.

3. If a project has been proposed, and its implementation may lower water quality in a water whose quality exceeds levels necessary to support the propagation of fish, shellfish and other commonly harvested organisms, and wildlife and recreation in and on the water, that water quality shall be maintained and protected unless:

- a. an interdisciplinary review consistent with the National Environmental Policy Act ("NEPA") has been submitted for the project. This review will insure that the project complies with the applicable local and Federal laws and regulations and procedures relating to the protection and enhancement of the environment. As necessary, the determination will include mitigative provisions as a condition for granting approval of a specific project. The three (3) basic environmental determinations that will apply to a specific project are:

i. a determination to categorically exclude a project from a formal environmental review;

ii. a Finding of No Significant Impact ("FNSI") based upon formal environmental review supported by an Environmental Impact Document ("EID"); and

iii. a determination to prepare an Environmental Impact Statement ("EIS"). The environmental impact determination will consider such technical, economic, social and other criteria as provided by Sections 301 and 302 of the Clean Water Act;

b. the public has been notified of the anticipated action, and has been provided the information necessary for meaningful public involvement and response at least thirty (30) days before the action; a public hearing or meeting has been held (in accordance with the Administrative Adjudication Law, 5 GCA Chapter 9, and with a thirty (30) day notice) if the Agency determines that there is significant public interest or that a hearing or meeting would be useful; and a responsiveness summary has been completed (which shall identify the public participation activity conducted, describe the matter on which the public was consulted, summarize the public's views and significant comments and set forth the Agency's responses); and

c. the Administrator finds that:

i. allowing lower water quality is necessary to accommodate important economic or social development;

ii. existing uses will be protected; and

iii. the project associated with the lowering includes the highest statutory and regulatory requirements for all new and existing point and non-point sources, and all cost-effective and reasonable best management practices for non-point sources.

4. When more than one (1) set of water quality criteria apply, including an overlap of category designations or at a boundary water between two (2) categories, the more stringent standard shall prevail.

5. Water quality shall be maintained and protected in Guam's Outstanding Resource Waters.

6. In those cases where potential water quality impairment associated with a thermal discharge is involved, the anti-degradation policy and implementing method shall be consistent with Section 316 of the Clean Water Act.

C. Groundwater Protection Zone ("GPZ").

A primary means of groundwater pollution prevention is to direct, control and encourage appropriate land uses, land use intensities and land use development patterns to achieve sustainable groundwater quality over the long term. The Groundwater Protection Zone ("GPZ") is an environmental land use management system which designates much of the land surface above Guam's principal source aquifer, the Northern Aquifer, for the protection of Resource Zone (G-1) waters and the Recharge Zone (G-2) waters.

A GPZ map has been developed as a land use management overlay applicable to any and all zoning and subdivision development requirements in Guam, including military land use activities. One (1) primary determinate of land use development potential, use intensity, density and patterns of growth is the availability of public sewer systems. This determinant is especially critical over Guam's Northern Aquifer to ensure that many potentially harmful (wastewater) pollutants generated are transported to acceptable treatment/disposal works.

The GPZ includes most, but not all, of the following: drinking water production wells and their respective well head protection zones, the Northern Guam Watershed, high development-potential, substantial agricultural, government subsidized rural housing, military, and existing industrial and commercial development lands.

1. Land use guidelines and performance standards should be applied in all appropriate circumstances within the GPZ and over the Northern Aquifer, including, but not limited to, the following:

a. industrial development should not occur without adequate public sewer infrastructure;

b. high density residential development (more than one (1) dwelling per one-half (1/2) acre should not occur without adequate public sewer service;

c. individual wastewater disposal systems and ponding basins and similar point source waste or storm water disposal works should not be permitted within a Wellhead Protection Zone; and